

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	John McCafferty, et al.	Title:	METHOD FOR PRODUCING MEMBERS OF SPECIFIC BINDING PAIRS
App. No.:	10/803,622	Art Unit:	1639
Conf. No.:	6206	Examiner:	Amber D. Steele
Filing Date:	March 18, 2004		

**RENEWED PETITION TO EXPUNGE PURSUANT TO 37 C.F.R. § 1.59  
DOCUMENTS SUBMITTED IN AND INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. §§ 1.97-1.99**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully submit a renewed petition requesting that the documents submitted with the Supplemental Information Disclosure Statement transmitted on October 20, 2004 be expunged. We attach a copy of the Petition Decision dated May 6, 2005 indicating upon termination of prosecution the applicant should submit a renewed petition to expunge the proprietary material. The Examiner has issued a Notice of Allowance for U.S. Application No. 10/803,622 dated November 5, 2009 (copy attached).

For your convenience, Applicants enclose copies of the documents transmitted to the U.S. Patent Office on October 20, 2004:

- Petition to Expunge Under 37 C.F.R. § 1.59(b),
- Submission of Protective Order Materials Under MPEP § 724,
- Supplemental Information Disclosure Statement Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, and
- PTO/SB/08A

The cited references subject to the protective order were transmitted in a sealed envelope and marked as follows:

**MATERIAL SUBJECT TO PROTECTIVE ORDER**

**NOT OPEN TO PUBLIC. TO BE OPENED BY EXAMINER  
EXAMINER OR OTHER AUTHORIZED U.S. PATENT AND  
TRADEMARK OFFICE EMPLOYEE:**

**Tribunal Issuing Protective Order: U.S. District Court for the District of Columbia, Judge James Robertson**

Civil Action No.:	1:00 CV 00146
Date of Order:	March 13, 2002
Status of Proceedings:	Not pending
In Re Application of:	McCafferty, <i>et al.</i>
Application No.	09/416,902
Filed:	October 13, 1999
For:	<b>METHODS FOR PRODUCING MEMBERS OF SPECIFIC BINDING PAIRS</b>
Group Art Unit:	1639
Examiner:	Amber D. Steele

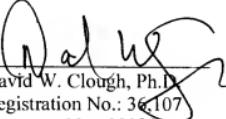
Pursuant to 37 C.F.R. § 1.59, Applicants respectfully request that the documents submitted on October 20, 2009 be expunged from the record and returned to the undersigned attorney as the status of the application is now allowed.

As indicated on the attached Petition Decision dated May 6, 2005, no fees are believed to be due in connection with the filing of this renewed petition as the petition fee was previously paid on October 27, 2004. However, should any additional fees be deemed necessary, and proper, the Commissioner is hereby authorized to deduct any such fees from Deposit Account 08-3038.

Respectfully submitted,

HOWREY LLP

Dated: December 30, 2009

By:   
David W. Clough, Ph.D.  
Registration No.: 361,07  
Customer No.: 22930  
Telephone No.: (312) 595-1408

HOWREY LLP  
ATTN: Docketing Department  
2941 Fairview Park Drive, Suite 200  
Falls Church, VA 22042-2924  
Facsimile No.: (703) 336-6950



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MAY - 6 2005

HOWREY, SIMON, ARNOLD & WHITE, LLP  
321 CLARK STREET, SUITE 3400  
CHICAGO, IL 60661

In re Application of :  
J. McCafferty et al :  
Serial No.: 10/803,622 : PETITION DECISION  
Filed: March 18, 2004 :  
Attorney Docket No.: 05569.0004 :  
:

This is a response to the petition under 37 CFR 1.59(b), filed October 26, 2004, to expunge information from the above identified application.

Petitioner requests that documents submitted in an Information Disclosure Statement (IDS), filed October 26, 2004, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

This is an unexamined application. The examiner has not had an opportunity to review the submitted material to determine its pertinence to patentability of the application. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be returned to applicant.

The petition to expunge is at this time **DISMISSED**.

Upon termination of prosecution of the application applicants should submit a renewed petition to expunge the proprietary material. No fee will be due for the renewed petition.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 571-273-8300.

*Jasemine C. Chambers*  
Jasemine C. Chambers  
Director, Technology Center 1600



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Adviser, COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 11/03/2009

HOWREY SIMON ARNOLD & WHITE, LLP  
Attention: Box No. 34  
1299 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2402

EXAMINER

STHLE, AMBER D

ART UNIT

PAPER NUMBER

1639

DATE MAILED: 11/05/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,622	03/18/2004	John McCafferty	05569.0004.DVUS11	6206

TITLE OF INVENTION: METHODS FOR PRODUCING MEMBERS OF SPECIFIC BINDING PAIRS

APPLN TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/05/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax (571) 273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7540 11/03/2009

HOWREY SIMON ARNOLD & WHITE, LLP  
Attention: Box No. 34  
1299 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2402

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

### Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,622	03/18/2004	John McCafferty	05569.0004.DVUS11	6206

TITLE OF INVENTION: METHODS FOR PRODUCING MEMBERS OF SPECIFIC BINDING PAIRS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/05/2010
EXAMINER	ART UNIT		CLASS-SUBCLASS			
STEELE, AMBER D	1639	506-009000				

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).	2. For printing on the patent front page, list
<input type="checkbox"/> Change of correspondence address or Change of Correspondence Address form PTO/SB/122 attached	(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
<input type="checkbox"/> "Fee Address" indication or "Fee Address" Indication form PTO/SB/47, Rev. 03-02 or more recent) attached. Use of a Customer Number is required.	(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

**3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT** (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE:

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

**4a. The following fee(s) are submitted:**

- Issue Fee
- Publication Fee (No small entity discount permitted)
- Advance Order - # of Copies

**4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)**

- A check is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form)

**5. Change in Entity Status (from status indicated above)**

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and sending the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form, and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22314-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,622	03/18/2004	John McCafferty	05569.0004.DVUS11	6206
7590	11/05/2009			EXAMINER
HOWREY SIMON ARNOLD & WHITE, LLP			STYLING, AMBER D	
Attention: Box No. 34 1299 Pennsylvania Avenue, N.W. Washington, DC 20004-2402			ART UNIT	PAPER NUMBER
1639				
DATE MAILED: 11/05/2009				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 11 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 11 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/803,622	MCCAFFERTY ET AL
	<b>Examiner</b>	<b>Art Unit</b>
	AMBER D. STEELE	1639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- This communication is responsive to August 12, 2009.
- The allowed claim(s) is/are 9-17.
- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - All
  - Some\*
  - None
 of the:
  - Certified copies of the priority documents have been received.
  - Certified copies of the priority documents have been received in Application No. 09/726,219.
  - Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
- A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review ( PTO-948)
- Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 8/12/09
- Examiner's Comment Regarding Requirement for Deposit of Biological Material
- Notice of Informal Patent Application
- Interview Summary (PTO-413),  
Paper No./Mail Date 20091001.
- Examiner's Amendment/Comment
- Examiner's Statement of Reasons for Allowance
- Other \_\_\_\_\_.

/Amber D. Steele/  
Primary Examiner, Art Unit 1639

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/803,622	MCCAFFERTY ET AL.
	Examiner AMBER D. STEELE	Art Unit 1639

**All Participants:**

**Status of Application:** Allowed

(1) AMBER D. STEELE

(3) \_\_\_\_\_

(2) Kate Berezutskaya

(4) \_\_\_\_\_

**Date of Interview:** 1 October 2009

**Time:** 3PM

**Type of Interview:**

Telephonic  
 Video Conference  
 Personal (Copy given to:  Applicant  Applicant's representative)

**Exhibit Shown or Demonstrated:**  Yes  No

If Yes, provide a brief description:

**Part I.**

**Rejection(s) discussed:**

N/A

**Claims discussed:**

1-8

**Prior art documents discussed:**

N/A

**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED.**

*Kate Berezutskaya authorized the examiner's amendment to cancel claims 1-8.*

**Part III.**

It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
 It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/Amber D. Steele/  
 Primary Examiner, Art Unit 1639

(Applicant/Applicant's Representative Signature - if appropriate)

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kate Berezutskaya on October 1, 2009.

The application has been amended as follows:

Claims 1-8 are **canceled**.

The following is an examiner's statement of reasons for allowance: a method of producing a population of filamentous bacteriophage particles displaying at their surface a binding domain consisting of an antibody heavy chain variable domain with the structure of FR1-CDR1-FR2-CDR2-FR3-CDR3-FR4 and selecting for a filamentous bacteriophage particle displaying a binding domain by contact with an epitope or antigen is free of the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Future Communications***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMBER D. STEELE whose telephone number is (571)272-5538. The examiner can normally be reached on Monday through Friday 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on 571-272-0951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amber D. Steele/  
Primary Examiner, Art Unit 1639



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

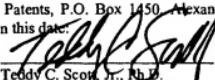
Applicant(s): McCafferty, et al.  
 App. No.: 10/803,622  
 Conf. No.: 6206  
 Filing Date: March 18, 2004  
 Title: METHODS FOR PRODUCING  
       MEMBERS OF SPECIFIC BINDING  
       PAIRS  
 Art Unit: 1639  
 Examiner: Not yet assigned

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date:

10/20/2004

Date


  
 Teddy C. Scott, Jr., Ph.D.  
 Registration No. 53,573

## PETITION TO EXPUNGE UNDER 37 C.F.R. § 1.59(b)

MAIL STOP AMENDMENT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

The documents submitted on the Supplemental Information Disclosure Statement filed herewith under MPEP § 724.02 are subject to a protective order issued by the U.S. District Court for the District of Columbia in Civil Action No. 1:00 CV 00146. Pursuant to 37 C.F.R. § 1.59, Applicants request that if the documents are not found to be important to a reasonable examiner in deciding whether to allow the above-identified application to issue as a patent, the documents be returned.

Submitted herewith is a fee of \$130 as set forth in 37 C.F.R. § 1.17(f). No other fees are believed to be due in connection with the filing of this paper, however, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this paper,

10/27/2004 HWU001 00000013 083038 10803622

01 FC:1460 130.00 DA

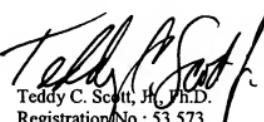
the Commissioner is hereby authorized to deduct the fees from Howrey Simon Arnold & White,  
LLP Deposit Account 08-3038.

Respectfully submitted,

HOWREY SIMON ARNOLD & WHITE, LLP

Dated: October 20, 2004

By:



Teddy C. Scott, Jr., Ph.D.  
Registration No.: 53,573  
Customer No.: 22930

HOWREY SIMON ARNOLD & WHITE, LLP  
321 N. Clark Street, Suite 3400  
Chicago, IL 60661  
(312) 595-1239 (main)  
(312) 846-5621 (direct)  
(312) 595-2250 (fax)



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): McCafferty, et al.  
App. No.: 10/803,622  
Conf. No.: 6206  
Filing Date: March 18, 2004  
Title: METHODS FOR PRODUCING  
MEMBERS OF SPECIFIC BINDING  
PAIRS  
Art Unit: 1639  
Examiner: Not yet assigned

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date:

10/20/04

Date

  
Teddy C. St. John, Ph.D.  
Registration No. 53,573

## SUBMISSION OF PROTECTIVE ORDER MATERIALS UNDER MPEP § 724

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit herewith documents subject to a protective order for consideration under MPEP § 724. In compliance with MPEP § 724, the documents subject to a protective order are attached in a sealed envelope, with the envelope and each document marked as follows:

MATERIAL SUBJECT TO PROTECTIVE ORDER - NOT OPEN TO PUBLIC  
TO BE OPENED ONLY BY EXAMINER OR OTHER AUTHORIZED U.S.  
PATENT AND TRADEMARK OFFICE EMPLOYEE:

>DO NOT SCAN<

Tribunal Issuing Protective Order:	U.S. District Court for the District of Columbia, Judge James Robertson
Proceeding:	MORPHOSYS AG V. CAMBRIDGE ANTIBODY LIMITED
Civil Action No.:	1:00 CV 00146
Date of Order:	March 13, 2002
Status of Proceedings:	Dismissed - Settled
In Re Application of:	J. McCafferty, et al.
Application No.	10/803,622
Filed:	March 18, 2004

For: **METHODS FOR PRODUCING MEMBERS OF  
SPECIFIC BINDING PAIRS**  
Art Unit: **1639**  
Examiner: **Not yet assigned**

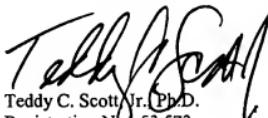
Submitted herewith is the following: (i) Supplemental Information Disclosure Statement Pursuant To 37 C.F.R. §§ 1.56, 1.97 and 1.98; and (ii) Petition under 37 C.F.R. § 1.59(b) together with the requisite fee of \$130, as set forth in 37 C.F.R. § 1.17(f). No other fees are believed to be due in connection with the filing of this paper, however, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this paper, the Commissioner is hereby authorized to deduct the fees from Howrey Simon Arnold & White, LLP Deposit Account 08-3038.

Respectfully submitted,

HOWREY SIMON ARNOLD & WHITE, LLP

Dated: October 20, 2004

By:



Teddy C. Scott, Jr., Ph.D.  
Registration No.: 53,573  
Customer No.: 22930

HOWREY SIMON ARNOLD & WHITE, LLP  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

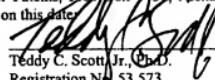
Applicant(s): McCafferty, et al.  
App. No.: 10/803,622  
Conf. No.: 6206  
Filing Date: March 18, 2004  
Title: METHODS FOR PRODUCING  
MEMBERS OF SPECIFIC BINDING  
PAIRS  
Art Unit: 1639  
Examiner: Not yet assigned

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

10/20/04

Date

  
Teddy C. Scott, Jr.  
Registration No. 53,573SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. §§ 1.56, 1.97 AND 1.98

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with 37 C.F.R. § 1.97 and the continuing duty of disclosure under 37 C.F.R. § 1.56, Applicants call to the attention of the Examiner the references listed on the attached Forms PTO/SB/08A and PTO/SB/08B. It is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Forms PTO/SB/08A and PTO/SB/08B be considered by the Examiner and made of record.

The documents were previously listed on the Form PTO/SB08A submitted on March 18, 2004 as C5, C15, C20, C21, C22, C23, C23A and C24. Copies of the documents were previously submitted in Application No. 09/726,219 filed November 28, 2000 (the "Priority Application"), from which the instant application relies upon for an earlier effective filing date under 35 U.S.C. § 120. A petition to expunge the documents in the Priority Application was granted on June 9, 2004. In view of the documents being expunged in the Priority Application, Applicants hereby submit Form PTO/SB/08A listing the documents together with copies of the documents pursuant to 37 C.F.R. § 1.98(a)(2). For the convenience of the Examiner, the documents are listed on the Form PTO/SB/08A submitted herewith in a manner consistent with that of the Form PTO/SB08A submitted on March 18, 2004.

In accordance with 37 C.F.R. § 1.97(g), this Information Disclosure Statement is not to be construed as a representation that a search has been made. In accordance with 37 C.F.R. § 1.97(h), this Information Disclosure Statement is not to be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Information Disclosure Statement is being filed prior to the receipt of a first Office Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b)(3).

No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Commissioner is hereby authorized to deduct the fees from Howrey Simon Arnold & White, LLP Deposit Account 08-3038.

Respectfully submitted,

HOWREY SIMON ARNOLD & WHITE, LLP

Dated: October 20, 2004

By:   
Teddy C. Scott, Jr., Ph.D.  
Registration No.: 53,573  
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Sheet 1 of 2

Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use several sheets if necessary)				Docket Number 05569.0004.DVUS11	Application Number 10/803,622		
				Applicant J. McCafferty et al.	Filing Date March 18, 2004		Group Art Unit 1639
U. S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER		DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	Translation Yes No	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
C5	Redacted Agreement Between Medical Research Council and Cambridge Antibody Technology Limited and Antibody Technology Group plc, made 01 January 1997						
C15	Chitwell memo, dated 30 July 1990, transmitting a copy of the Collaborative Agreement between Cambridge Antibody Technology and The Medical Research Council, dated July 27, 1995.						
C20	Administration Agreement between Cambridge Antibody Technology Ltd. and Medical Research Council, dated 01 August 1991 (Redacted).						
C21	Fax from John McCafferty (of Cambridge Antibody Technology Limited) to Sean Walton (of Mewburn Ellis) regarding the Smith grant application.						
C22	E-mail message from John McCafferty (of Cambridge Antibody Technology Limited) to Brian Kay regarding the Smith grant application						
C23	Letter to Craig Panner (of the Academic Press) from John McCafferty (Cambridge Antibody Technology Limited) regarding the Smith grant application						
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.							

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Sheet 2 of 2